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FIFRA Docket No. 661

## Petitioners

The rules of practice governing hearings under Section 6 of FIFRA provide that “the Administrative Law Judge shall, prior to the commencement of the hearing and for the purposes of expediting the hearing, file with the clerk an order for a prehearing conference.” 40 C.F.R. § 164.50(a). During the prehearing conference, the parties are to address a number of case management issues, including, “the possibility of obtaining stipulations of fact,” “limitation of the number of expert and other witnesses,” “issuance of subpoenas ...for discovery,” and “setting of a time and place for the public hearing.” *Id.*

Notwithstanding the above, “upon a finding that circumstances render a prehearing conference unnecessary, or impracticable, or upon a finding that a prehearing conference would serve primarily to delay the proceedings rather than to expedite them,” the rules provide that “the Administrative Law Judge, on motion or sua sponte, may order that the prehearing conference not be held.” 40 C.F.R. § 164.50(d). In the absence of a prehearing conference, the rules contemplate that the parties should meet and confer and correspond with the Administrative Law Judge “for the purpose of accomplishing any of the objectives set forth in [Section 164.50].” *Id.*

Pursuant to the foregoing rules of practice, respondent-intervenors American Bird Conservancy, Center for Biological Diversity, Defenders of Wildlife, and Sierra Club (collectively, “Wildlife Advocates”) hereby move this tribunal to waive the prehearing conference in this matter. Wildlife Advocates respectfully submit that a prehearing conference is not necessary at this juncture, and will serve primarily to delay to proceedings.

In lieu of a prehearing conference, Wildlife Advocates request that the parties be directed to meet and confer and submit a joint statement on or before April 1, 2014 that addresses the items and objectives set forth in 40 C.F.R § 164.50 and proposes a schedule for the prompt and efficient resolution of these proceedings.

Dated: February 3, 2014

Respectfully submitted,



GREGORY C. LOARIE

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## CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2014, I served the following document:

- **MOTION TO WAIVE PREHEARING CONFERENCE FILED BY RESPONDENT-INTERVENORS AMERICAN BIRD CONSERVANCY, CENTER FOR BIOLOGICAL DIVERSITY, DEFENDERS OF WILDLIFE, AND SIERRA CLUB** (dated February 3, 2014);

on the persons listed below in the manner indicated.

### By Overnight Mail

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### By Regular Mail

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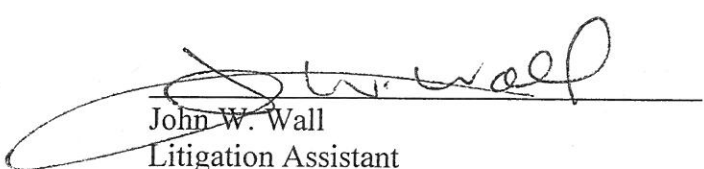
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DATED: February 3, 2014



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